

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FEB 12 2003

CLERK

PAUL E. DAWSON, as  
Personal Representative of  
KIRSTEN JANAY SUMLER, deceased,

Plaintiff,

vs.

No. CIV 00 1575

EL PASO NATURAL GAS COMPANY,  
a Delaware corporation, and EL PASO  
CORPORATION, a Delaware  
corporation,

Defendants.

**AGREED ORDER CONFIRMING SETTLEMENT AND DISMISSING  
MOTION TO INTERVENE; AGREED ORDER OF NON-SUIT AND OF DISMISSAL**

The parties to the above-referenced matter, Plaintiff Paul Dawson as personal representative of Kirsten Janay Sumler, deceased ("Dawson"), and Defendants El Paso Energy Corporation and El Paso Natural Gas Company (collectively "El Paso"), have announced that they have entered into a Settlement Agreement and General Release. The Settlement Agreement and General Release has been tendered to the Court for its *in camera* review.

Also appearing before this Court are Movants Jerry Rackley ("Rackley") and Martha Chapman ("Chapman") who have filed a Motion to Intervene in the case.

The Court has previously confirmed Paul Dawson as the personal representative of Kirsten Janay Sumler under NMSA 41-2-3. The parties have also represented that Dawson has been affirmed by the New Mexico Court of Appeals as personal representative of the probate Estate of Kirsten Janay Sumler. The parties further have confirmed that the contingencies of Paragraph IV B of the Settlement Agreement and General Release between Dawson and El Paso have been met.

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The Court has been advised that Chapman and Rackley, through their counsel, have entered into an agreement with Dawson, through his counsel, that has been tendered to the Court *in camera*. Pursuant to that agreement, the dispute between Chapman and Rackley on the one hand and Dawson on the other has been resolved, thereby rendering moot the Motion to Intervene filed by Chapman and Rackley.

Accordingly, it is ORDERED, ADJUDGED and DECREED that the Settlement Agreement between Dawson and El Paso is hereby confirmed and that Dawson shall act as personal representative of Kirsten Janay Sumler, deceased under NMSA 41-2-3. The Court has been advised that El Paso has funded the Settlement Agreement pursuant to the terms of Paragraph G of the Agreement, as directed by Dawson.

It is further ORDERED, ADJUDGED and DECREED that the Motion to Intervene filed by Chapman and Rackley is dismissed as moot, and that Dawson shall receive the proceeds of the Settlement Agreement from El Paso and distribute those proceeds to the wrongful death beneficiaries of Kirsten Janay Sumler, deceased, pursuant to the agreement between Dawson, on the one hand, and Chapman and Rackley, on the other.

It is further ORDERED, ADJUDGED and DECREED that the settlement documents submitted to the Court be and remain under seal shall be returned to the parties upon entry of this Agreed Order.

It is further ORDERED, ADJUDGED and DECREED that Dawson's Motion for Non-Suit on his punitive and exemplary damage claims against El Paso is granted and such claims are dismissed with prejudice.

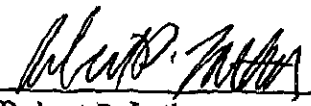
It is further ORDERED, ADJUDGED and DECREED that all remaining causes of action brought by Dawson against El Paso herein are dismissed with prejudice, pursuant to the Settlement Agreement. All costs shall be taxed against the party incurring same.

SIGNED this 11 day of February, 2003.

  
JUDGE PRESIDING

APPROVED AS TO FORM:

JACKSON WALKER L.L.P.

By:   
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*Attorneys for Defendants El Paso Energy Corporation n/k/a  
El Paso Corporation and El Paso Natural Gas Company*

It is further ORDERED, ADJUDGED and DECREED that all remaining causes of action brought by Dawson against El Paso herein are dismissed with prejudice, pursuant to the Settlement Agreement. All costs shall be taxed against the party incurring same.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

JUDGE PRESIDING

APPROVED AS TO FORM:

JACKSON WALKER L.L.P.

By: \_\_\_\_\_

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